



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 30, 1998

Ms. Pamela Wolek
Assistant City Attorney
P.O. Box 1971
Amarillo, Texas 79105-1971

OR98-0837

Dear Ms. Wolek:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113931.

The Amarillo Municipal Court received three requests for the dockets of the municipal court for specific time periods. We have consolidated these requests into one ruling with the above-referenced identification number. You claim that, as the requested information is prepared for and utilized by the judges of the Municipal Court, it is excepted from required public disclosure by section 552.003(1)(B) of the Government Code. We have considered the arguments you have raised and have reviewed the documents at issue.

Section 552.003(1)(B) of the Government Code excludes the judiciary from the definition of a "governmental body" that is subject to the Open Records Act. In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ), the court explained the purpose of the judiciary exception:

The judiciary exception . . . is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

Id. at 152. To fall within the judiciary exception, the document must contain information that pertains to judicial proceedings. See Open Records Decision Nos. 527 (1989) (Court Reporters Certification Board not part of judiciary because its records do not pertain to judicial proceedings), 204 (1978) (information held by county judge that does not pertain to proceedings before county court subject to Open Records Act). Upon review of the submitted records, which consists of the Amarillo Municipal Court trial dockets for the time periods sought by the requestors, we conclude that this information constitutes records of the judiciary which are not subject to disclosure under chapter 552 of the Government Code.

We note, however, that records of the judiciary may be available for public inspection under other statutory or common-law rights of inspection. *See* Open Records Decision No. 618 (1993) (although judiciary is not subject to Open Records Act, Texas courts have long recognized common law right to copy and inspect certain judicial records). Additionally, the records may be subject to disclosure under statutory law governing municipal courts. *See* Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref: ID# 113931

Enclosures: Submitted documents

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